

**AUG 23 2006****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****JOHN WESLEY PARRATT, JR.,****Petitioner - Appellant,****v.****GAIL LEWIS, Warden,****Respondent - Appellee.****No. 05-16166****D.C. No. CV-02-00546-LKK-KJM****MEMORANDUM\***

**Appeal from the United States District Court  
for the Eastern District of California  
Kimberly J. Mueller, Magistrate Judge, Presiding**

**Argued and Submitted August 15, 2006  
San Francisco, California**

**Before: CANBY, THOMPSON, and HAWKINS, Circuit Judges.**

John Wesley Parratt, Jr. (“Parratt”) appeals the district court’s denial of his petition for a writ of habeas corpus. This Court has jurisdiction under 28 U.S.C. § 2253. We review de novo the district court’s denial. *Collier v. Bayer*, 408 F.3d 1279, 1281 (9th Cir. 2005). We affirm.

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

The California Court of Appeal's decision finding sufficient evidence that Parratt's Oregon robbery convictions constituted robbery under California law was not contrary to established federal law. *See* 28 U.S.C. § 2254(d); *see also Williams v. Taylor*, 529 U.S. 362, 405-07 (2000) (explaining that the contrary-to prong of § 2254(d) applies when the state court fails to identify the controlling federal standard); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (stating the federal sufficiency-of-evidence standard). The state court was permitted to consult the entire out-of-state conviction record to determine whether Parratt was convicted of robbery in California. *People v. Myers*, 5 Cal. 4th 1193, 1195 (1993). The California statute and case law allowing the court to examine the entire record is not contrary to the Supreme Court's holding in *Taylor v. United States*, 495 U.S. 575 (1990). *Taylor's* holding applies only to the federal sentencing-enhancement statute and has not been extended to similar state statutes. *Id.* at 601-02. The state court's finding of sufficient evidence based on the charging documents, findings of guilt, and probation reports from Parratt's Oregon convictions was not in conflict with the federal sufficiency-of-the-evidence standard.

We decline to consider the two uncertified issues Parratt raises on appeal.

We therefore AFFIRM the denial of Parratt's habeas petition.